

**IN THE DISTRICT COURT OF CARTER COUNTY
STATE OF OKLAHOMA**

**SONYA MILLS, as Personal
Representative of the Estate of Wylie
Westbrook, Deceased,**

Plaintiff,

vs.

**VALERO REFINING COMPANY -
OKLAHOMA, INC., DBA VALERO
ARDMORE REFINERY, VALERO ENERGY
CORPORATION, VALERO MARKETING
AND SUPPLY COMPANY, INC.,
VALERO PARTNERS NORTH TEXAS,
LLC, AND DYNAMIC INDUSTRIES, INC.,**

Defendants.

Case No. CJ-2016- 127

FILED
IN DISTRICT COURT
JUL 11 2016
AT 2 o'clock
KAREN DUNN, Court Clerk
Carter County, Oklahoma

PETITION

COMES NOW the Plaintiff, Sonya Mills, as Personal Representative of the Estate of Wylie Westbrook, Deceased, by and through her attorneys of record, the Stipe Law Firm, and for her cause of action against the Defendants, alleges and states as follows:

1. Defendant Valero Refining Company – Oklahoma DBA Valero Ardmore Refinery is a corporation organized under the laws of the state of Michigan and doing business in the city of Ardmore, Carter County, State of Oklahoma and its principal place of business is located in San Antonio, Texas.

2. Defendant Valero Energy Corporation is a corporation organized under the laws of the state of Delaware and doing business in the city of Ardmore, Carter

County, State of Oklahoma and its principle place of business is located in San Antonio, Texas.

3. Defendant Valero Marketing and Supply Company is a corporation organized under the laws of the state of Delaware and doing business in the city of Ardmore, Carter County, State of Oklahoma and its principle place of business is located in San Antonio, Texas.

4. Defendant Valero Partners North Texas, LLC is a limited liability company organized under the laws of the state of Delaware and doing business in the city of Ardmore, Carter County, State of Oklahoma and its principle place of business is located in San Antonio, Texas.

5. Defendant Dynamic Industries, Inc., upon information and belief is a foreign corporation doing business in the city of Ardmore, Carter County, State of Oklahoma and its principle place of business is located in New Orleans, State of Louisiana.

6. Plaintiff Sonya Mills is the duly appointed Personal Representative of the Estate of Wylie Westbrook, Deceased, and is a resident of Broken Bow, McCurtain County, State of Oklahoma.

7. Wylie Westbrook, deceased, was a resident of Broken Bow, McCurtain County, State of Oklahoma.

8. Venue is proper pursuant to Title 12 O.S. § 137.

9. On July 10, 2014, Wylie Westbrook suffered injuries and passed away. The aforementioned death was caused by the negligence, gross negligence, recklessness and/or intentional acts or omissions of Defendants Valero, et al, and

Dynamic Industries relating to the operation of gas shut off valves at the Valero refinery in Ardmore, Oklahoma. Defendant Valero Refining Company – Oklahoma, et al., contracts with Dynamic Industries to construct scaffolding and perform pipe-fitting services. Wylie Westbrook was assigned by his employer, Dynamic Industries, Inc., to assist at the Valero refinery as a pipe-fitter. While removing a blind from a flange, Wylie Westbrook inhaled noxious chemicals and/or gases. Defendants Valero, et al., and Dynamic Industries failed to use reasonable and proper care in the operation of refinery valves causing unsafe work conditions. Defendants Valero, et al., and Dynamic Industries failed to post proper warnings concerning the hazardous chemicals and/or gases, which resulted in Defendants not warning of the dangers encountered by Wylie Westbrook. Defendants Valero, et al., and Dynamic Industries failed to provide Wylie Westbrook with proper training and safety equipment, including a respirator and protective suit, which would have prevented Wylie Westbrook's death.

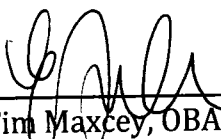
10. As a result of the aforementioned inhalation and death, medical, funeral, and burial expenses were incurred, Wylie Westbrook suffered physical and mental pain and anguish, pecuniary losses, and died. The heirs of Wylie Westbrook suffered and continue to suffer grief and loss of companionship with Wylie Westbrook, for which damages are claimed by the Plaintiff in an amount in excess of \$75,000.00.

11. The acts and omissions of Defendants Valero, et al., and Dynamic Industries, constitute a reckless disregard for the rights of others and for public

safety, such that punitive damages are claimed against these Defendants in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff prays for judgment in her favor and against Defendants for actual and punitive damages in an amount in excess of the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code and all other proper relief.

Respectfully Submitted,



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